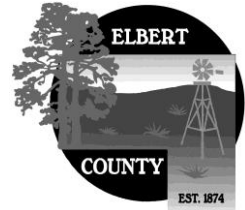




COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES DEPARTMENT

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MINUTES ELBERT COUNTY PLANNING COMMISSION MEETING July 18, 2013

Note: These meeting minutes are only a summary of the meeting. Duplications of the audio recording are available, for a fee, by contacting Community & Development Services.

The regular Planning Commission Meeting was called to order at 7:00 p.m. by Chairman, Grant Thayer.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Commission members present: Tom Beshore, Ron Turner, Paul Crisan, Rick Brown, Mike Kelley, Sue Link, Susan Saint Vincent and Bob Ware.

Staff present: Kyle Fenner – Director, CDS, Faith Mehrer – Administrative Assistant, CDS.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S):

- A. Kyle Fenner informed the Planning Commission that the Board of County Commissioners denied the Draft Regulations for Oil and Gas and instructed CDS Staff to develop a MOU process.**
 - a. Paul Crisan asked Kyle if this means that there will be a fast track and MOU for majors and minors. Kyle explained that Staff was directed to outline the general process for MOU but that there was no distinction of whether there would be a fast track for major and minor facilities.**
 - b. Rick Brown asked what the Planning Commission would have to do with the document. Kyle stated that it would be brought before the Planning Commission with CDS Staff Recommendation.**

- c. **Mike Kelley stated that the 2 ½ years spent constructing the draft oil and gas regulations had just gone down the drain. He asked if the process that CDS staff decides on would be subject to a public hearing. He expressed his frustration in that, the Planning Commission made a unanimous vote to approve the regulations yet the Board of County Commissioners denied them. He said that the decision of the Planning Commission appears to be irrelevant and asked “why are we here?”**
- d. **Kyle Fenner stated that there would be a Planning Commission Hearing prior to presentation to the BOCC. She said that, as an employee, she is following the instructions of the BOCC to create an MOU process. While she understands Mike’s frustration, she cannot answer for the BOCC.**
- e. **Paul Crisan stated that he understands the nature of Mike’s question and the reason that Kyle can’t give Mike the answers that he would like, but said his question should be directed to the BOCC.**
- f. **Rick Brown asked if the Planning Commission could receive the document for the MOU process more than one week in advance so that they have more time to review it. Kyle stated that we will get the document to them as soon as it is developed.**

CONSENT CALENDAR:

A. Sue Link made a motion to approve the meeting minutes from June 27th with one correction; page 3, paragraph R, values should be changed to valves. Bob Ware seconded the motion. Motion carried 5 to 0.

B. Rick Brown made a motion to approve the meeting minutes from May 30th. Sue Link seconded the motion. Motion carried 5 to 0.

COMMUNITY INPUT:

PUBLIC HEARINGS:

A: XX Zoned Properties

- a. **Kyle Fenner addressed the Elbert County XX Zoned properties that the Planning Commission, on May 30th, asked CDS to develop recommendations for. She stated that there was a good deal of research done to determine how the xx zoned properties were created and how the zoning could be corrected. She explained that there are currently 91 xx zoned properties out of the 13,095 parcels in Elbert County. Some were the result of owners selling a portion of their property that was less than 60 acres without going through**

the appropriate process to have the parcels rezoned. These were corrected when the A-1 zone district was eliminated and all parcels 35 acres or greater were given A zoning. 35 of the XX zoned properties are A-1 lots and will require a solution that is specific to those lots. 18 of the lots are Government, utility, school or cemetery. These lots are not buildable therefore, the XX zoning does not affect them now, nor will it in the future. These lots can remain XX zoning without further consequence. Approximately 10-15 lots appear to be illegally created parcels due to foreclosure. There are a few lots that appear to have been entered as XX mistakenly, as they are part of a minor development. At least two were created by the landowner who still owns both parcels. These can be corrected by vacating the lot line to return the two smaller parcels to a single larger parcel. She presented a slide show that illustrated her explanations.

- b. Paul Crisan asked how the properties that are zoned XX are taxed. Kyle Fenner stated that they are taxed as they were with the original zoning.
- c. Paul Crisan said that this problem with XX zoned properties goes way back and Elbert County should try to help people in situations they did not create. He feels a process is needed because each time a problem with XX zoning arises they come before the planning commission for a solution. He suggested a waiver. Kyle Fenner said that the waiver would be a problem because some Elbert County citizens have already had to go through the appropriate process to rezone their XX properties and simply giving the remainder a waiver would be unfair.
- d. Mike Kelley said that he thought that CDS had come up with a process that would change the zoning on an XX parcel to the zoning of the nearest adjacent property for a flat fee. If the parcel is 10 acres or less, the flat fee would include a waiver for a leach field.
- e. Rick Brown asked if CDS was contemplating reaching out to people and letting them know that they have a problem with their zoning and give them information on how to correct it? He asked if a variance would solve the problem for owners who did not create the XX zoning. Kyle said that each individual case entails a process that needs to be adhered to. She also stated that CDS would not seek out the land owners. It would be up to the landowner to come in to CDS when they want to correct the zoning.

PUBLIC COMMENT AND DISCUSSION

- a. Roger Evans stated that he has a client on County Road 13 who, in 2008, was unable to sell their property. The bank foreclosed and carved out 10 acres of land from the parcel, leaving them with 17 acres and creating the XX zoning on their parcel. He stated that there are similarly sized properties

surrounding this parcel with correct zoning. He mentioned the possibility of rezoning the land for commercial uses.

- b. Mike Kelley asked why the land owner does not just rezone it to RA-1, since the parcels around it are comparable. Rick Evans stated that it was too expensive to rezone it. Mike reminded Rick that, if the landowner were to use the parcel as commercial, he would have to rezone it any way.
- c. Kyle Fenner suggested the landowner price the parcel to include the cost of a rezone so that the current owner does not have to come up with the money for the cost of the rezone.
- d. Rick Evans stated that he is simply asking for the zoning to revert to RA-1 like the surrounding properties. He stated that a minor subdivision costs ten to sixteen thousand dollars. He said that he is angry. He feels XX properties were created without anyone being notified and were simply changed with the stroke of a key.
- e. Paul Crisan stated that Rick Evans should be able to go directly to CDS and work out the details of the rezone.
- f. Kyle Fenner stated that she just wants to be consistent in correcting the XX zoned properties.
- g. Rick Brown made a motion to appoint Paul Crisan as Chair of the Planning Commission. Ron Turner seconded the motion. Motion passed 7 to 0. Paul Crisan abstained
- h. Mike Kelley made a motion to appoint Tom Beshore as Vice Chair of the Planning Commission. Rick Brown seconded the motion. Motion carried 7 to 0. Tom Beshore abstained.
- i. Paul Crisan made a motion to appoint Rick Brown as the chair for the Board of Adjustments. Tom Beshore seconded the motion. Motion carried 7 to 0. Rick Brown abstained.
- j. Paul Crisan made a motion to appoint Mike Kelley as an alternate for the Board of Adjustments. Rick Brown seconded the motion. Motion carried 7 to 0. Mike Kelley abstained.
- k. Sue Link made a motion to adjourn the meeting at 8:30 PM. Tom Beshore seconded the motion. Motion carried 8 to 0.

UNFINISHED BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS: